

REMARKS:**1. Introduction**

Claims 1-11, 14-20, and 22-28 are pending.

2. Rejection based on 35 U.S.C. §§102, 103

Claims 1-11, 14-20, and 22-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,259,405 (Stewart) in view of U.S. Patent Application No. 2002/0052684 (Bide) or U.S. Patent No. 6,587,835 (Treyz).

Claim 1 recites:

“a location information obtaining service . . . [that] receives information from a mobile device in the first network used to indicate locating capability of the mobile device”; and

“a location information obtaining service . . . [that] selects at least one locating method, from a plurality of locating methods, for locating the mobile device based on the received information from the mobile device”

Claim 18 recites:

“a location information obtaining means. . . for receiving information from a mobile device in the first network used to indicate locating capability of the mobile device”; and

“a location information obtaining means . . . for selecting at least one locating method, from a plurality of locating methods, for locating the mobile device based on the received information from the mobile device”

Applicants do not believe that any of the cited references teaches, or even suggests, the above limitations. As an initial matter, Applicants note that the final Office Action does not address the above-limitations. Specifically, the Office Action does not cite any section of the Stewart, Bide and Treyz references as teachings these limitations.

Regardless, none of the cited references teach these limitations. For example, the Stewart reference teaches that the location method is selected **independent** of any locating ability of the mobile device. In one embodiment, the Stewart reference teaches that the location method is selected based on the “access point” to the network. See abstract; see also Figure 1. In another embodiment, the Stewart reference teaches that the GPS

information from the mobile device is substituted for the location method. See col. 27, lines 6-13.

In each of these embodiments, the Stewart reference fails to select the location method based on the capabilities of the mobile device. In the first embodiment, the locating method (using access points) is selected independent of the capabilities of the mobile device. In the second embodiment of the mobile device providing the GPS information, the system does not select any locating method (instead relying solely on the mobile device for the location information). In contrast, claims 1 and 18, as currently presented, select at least one locating method, form a plurality of locating methods, **based on the information received from the mobile device that indicates the locating capability of the mobile device.**

In addition, the Bide and Treyz references fail to teach or suggest the above-cited limitations. For example, the Bide reference teaches an entirely self-contained portable device that makes the location determination. The portable device in the Bide reference, therefore, does not transmit its location ability to any other device (since the portable device does the location determination). Further, the portable device in the Bide reference includes a user position detector (UPD) that includes the capability to receive "satellite or terrestrial radio transmissions to determine the user's current x,y,z spatial coordinates." Paragraph [0020]. The Bide reference also teaches that, based on the wireless transmissions, the user position detector (UPD) in the portable device may calculate its position using differential GPS (dGPS). It is evident that the Bide reference fails to teach or suggest: (1) a mobile device that sends its locating capability to a central locating device; or (2) a central locating device that selects the location method based on the received mobile device's locating ability.

The Treyz reference teaches that the user may receive location-based shopping services (such as advertisements) displayed on a handheld computing device. The Treyz reference teaches that the location of the handheld computing device may be determined via GPS (or even dGPS). However, similar to the Bide reference, the Treyz reference does not teach or suggest the handheld computing device transmitting to a central station

anything regarding its locating ability, or a central station that uses the handheld computing device's locating ability to select the locating method. Therefore, claims 1 and 18 are patentable over the cited references of record.

In addition, several of the dependent claims highlight the specifics of the limitations discussed above. For example, claim 23 recites: "wherein the location information service supporting gateway determines a type of mobile device based on the information received from the mobile device" and "wherein the location information service supporting gateway selects the locating method based on the determined type of mobile device." See also claim 26 ("wherein the location information obtaining means determines a type of mobile device based on the information received from the mobile device" and "wherein the location information obtaining means selects the locating method based on the determined type of mobile device.") None of the cited references, including the Stewart, Bide, or Treyz references, teach selecting the locating method based on "the type of mobile device."

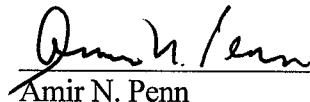
As another example, claim 25 recites: "wherein the type of mobile device comprises a mobile device with a GPS function" and "wherein the locating method selected uses as an input latitude and longitude information provided by the GPS function of the mobile device in order to determine a location of the mobile device, the determined location of the mobile device being different from the latitude and longitude information provided by the GPS function." See also claim 28 ("wherein the type of mobile device comprises a mobile device with a GPS function" and "wherein the locating method selected uses as an input latitude and longitude information provided by the GPS function of the mobile device in order to determine a location of the mobile device, the determined location of the mobile device being different from the latitude and longitude information provided by the GPS function.") Thus, in the event that it is determined that the mobile device includes a GPS function, the location information service supporting gateway selects "at least one locating method, from a plurality of locating methods" such as a Differential Global Positioning System (DGPS) locating method, as recited in claims 25 and 28. The Stewart, Bide, and Treyz references fail to teach or even suggest any type of determining the locating method

based on the mobile device's locating ability. Therefore, the claims as currently presented distinguish over the references of record.

3. Conclusion

The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,



Amir N. Penn
Registration No. 40,767
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200